THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.5540 of 2007

20.3.2007

Between:
E.Gandaiah, S/o.Rajaiah

…Petitioner

AND

Sri Ganesh Temple, Station Road, Secunderabad
And another.

…Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.5540 of 2007

ORDER:

The petitioner is a tenant of first respondent temple. In a small shop leased out to him, he is carrying on footwear business. He is allegedly continuing in the shop bearing No.10-3-5608/D belongs to the first respondent temple for the last forty seven years and also enhanced the rent. He alleges that after expiry of the lease, without giving any time or opportunity, the respondents are trying to evict him illegally. It is further alleged that he requested the respondent authorities to extend the lease and the same was rejected by the Commissioner of Endowments Department, Hyderabad and second respondent was directed to take action for evicting the tenant from the shop and to conduct fresh public auction. Therefore, he filed instant writ petition seeking a writ of Mandamus directing the respondents not to evict him without following due process of Law.

After getting instructions, the learned Assistant Government Pleader for Endowments submits that the first respondent initiated action against the tenants of the shops bearing Nos.10-3-5608/A, B, C and D under Section 83 of A.P. Charitable and Hindu Religious Institutions and Endowments Act, 1987 (the Act, for short) before the Deputy Commissioner of Endowments, Hyderabad and that by common order dated 28.6.2002 in O.A.Nos.154 to 157 of 1999, the Deputy Commissioner ordered their eviction and ten (10) days time was given to evict the premises belonging to the temple. She placed a

copy of the proceedings of the Deputy Commissioner before this Court. She also submits that for the shop bearing No.10-3-5608/D, the tenant filed W.P.No.12489 of 2002 assailing the said order and this Court disposed of the same on 12.7.2002 observing that the revision petition said to have been filed by the tenant be disposed of within a period of six months from the date of the said order. Learned Assistant Government Pleader also submits that no revision petition is pending before the Regional Joint Commissioner and, therefore, there is no infirmity in the action of the respondents in evicting the petitioner as per Section 84 of the Act. The two documents placed before this Court by the learned Assistant Government Pleader would certainly show that the petitioner has suppressed the actual facts and filed the writ petition making false allegations and that he has no right to continue in the premises belonging to the temple especially when he was already ordered to be evicted by the competent authority under Section 83 of the Act.

The writ petition is misconceived and is accordingly dismissed. No costs.

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(V.V.S.RAO,J)

March 20, 2007
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